THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.15281 of 2006
Dated: 31-07-2006

Between:
K.Dhana Laxmi Petitioner

And

The State Election Commissioner,Secunderabad and others
Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.15281 of 2006

ORDER:

1. Heard the counsel.

2. Rule Nisi was issued on 23-07-2006 and the following order was made in W.P.M.P.No.19026 of 2006:

"The petitioner is the wife and as per the averments made in the affidavit filed in support of the writ petition and also the orders impugned in the writ petition, the ground of rejection appears to be that the husband misappropriated the amounts. No doubt, there appears to be dispute in relation there to and on that ground the wife's nomination appears to be rejected. Prima facie, the action appears to be an arbitrary action hit by Article 14 of the Constitution of India. It is needless to say that the matter may have to be further heard. In view of the same, the returning officer not to finalize the nominations till 27-7-2006. Post W.P.M.P. on 25-07-2006."

3. It is stated by Sri Prabhakar Rao that because of the delayed communication of the order, the further process relating to election had been completed. The same is hereby recorded. Several factual details had been narrated. The main ground is that the wife's nomination had been rejected on the ground that the husband is said to have misappropriated the amount and it is a disputed question of fact. It is stated that no such misappropriation of funds had been in fact done even by the husband.

4. Be that as it may, all the factual details narrated in the writ petition may have to be gone into before the appropriate election tribunal by way of election petition.

5. Giving the said liberty, the writ petition is disposed of. No order as to costs.

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31-07-2006

Stp